

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

SHANE MACK LOWRY,

Plaintiff,

v.

CIVIL ACTION NO. 1:03-2045
(Criminal Action No. 1:02-0003-02)

UNITED STATES OF AMERICA,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the court are plaintiff's motions for a certificate of appealability (docs. # 168 and 173). For the reasons stated in the court's Memorandum Opinion of June 12, 2006, the Proposed Findings and Recommendation of Magistrate Judge VanDervort, and because the court finds neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, plaintiff's request for a certificate of appealability is DENIED. The Clerk is directed to forward a copy of this Memorandum Opinion and Order to the plaintiff, pro se, and to all counsel of record.

IT IS SO ORDERED this 5th day of April, 2007.

ENTER:



David A. Faber
Chief Judge